

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-12**

**Ordinance to Pre-Zone Property Located at the
North of the intersection of County Road 64 and Montelucia Way
GCOF Reserve of Daphne, L.L.C., James and Barbara Conaway, Joseph Lazzari, Joseph
Lazzari, Jr., and Tania Lazzari**

WHEREAS, GCOF Reserve of Daphne, L.L.C., James and Barbara Conaway, Joseph Lazzari, Joseph Lazzari, Jr., and Tania Lazzari, as the owners of certain real property located within the unincorporated area of Baldwin County, Alabama, have requested that said property that is currently zoned by the County as RSF-2, Residential Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as R-2, Medium Density Single Family Residential and R-6(G) Patio/Garden Home, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located North of the intersection of County Road 64 and Montelucia Way, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

R-6(G) – 108.59 AC.

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN THENCE SOUTH 89°41'38" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 1320.22 FEET TO A 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12 FOR THE POINT OF BEGINNING: THENCE RUN SOUTH 89° 41' 59" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 659.77 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 89° 42' 18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 660.83 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 00°12'38" WEST, A DISTANCE OF 982.01 FEET; THENCE RUN SOUTH 64°28'22" WEST, A DISTANCE OF 120.42 FEET; THENCE RUN SOUTH 31°15'15" WEST, A DISTANCE OF 209.64 FEET; THENCE RUN SOUTH 05°56'31" EAST, A DISTANCE OF 391.39 FEET; THENCE RUN SOUTH 89°52'24" EAST, A DISTANCE OF 732.74 FEET; THENCE RUN SOUTH 56°07'29" EAST, A DISTANCE OF 202.95 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 56°00'53" EAST, A DISTANCE OF 31.77 FEET; THENCE RUN SOUTHEASTERLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,900.79 FEET, AN ARC DISTANCE OF 138.35 FEET, (CHORD BEARS SOUTH 58°09'24" EAST FOR 138.32 FEET) TO A CAPPED REBAR (CA-0089-LS); THENCE RUN SOUTH 30°42'37" WEST, A DISTANCE OF 62.31 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTHWESTERLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, AN ARC DISTANCE OF 91.06 FEET, (CHORD BEARS SOUTH 43°49'24" WEST FOR 90.28 FEET) TO A CONCRETE MONUMENT; THENCE RUN SOUTH 60°14'19" EAST, A DISTANCE OF 349.14 FEET TO A CAPPED REBAR (CA-951-LS); THENCE RUN NORTH 89°52'24" WEST, A DISTANCE OF 1,165.59 FEET TO A CAPPED REBAR (CA-0568-LS); THENCE RUN SOUTH 00°12'20" WEST, A DISTANCE OF 661.54 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89°53'47" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 13, A DISTANCE OF 2,599.73 FEET TO A 5/8" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN NORTH 00°15'40" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 588.78 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°49'35" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1,279.81 FEET TO A 1/2" CAPPED REBAR

(MOORE); THENCE RUN NORTH 00°13'10" EAST, A DISTANCE OF 440.16 FEET TO A 5/8" CAPPED REBAR (CA-0568); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 284.27 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°47'43" WEST, A DISTANCE OF 396.00 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°13'41" EAST, A DISTANCE OF 656.48 FEET TO A 5/8" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 89°43'20" EAST, A DISTANCE OF 396.00 FEET TO A 1/2" CAPPED REBAR (CA-0565) AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 00°11'45" EAST, A DISTANCE OF 663.43 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 108.59 ACRES, MORE OR LESS.

GCOF RESERVE AT DAPHNE, LLC
RESERVE AT DAPHNE
R-6(G) – 8.82 AC.

COMMENCE AT THE SOUTHWEST CORNER OF LOT 53, THE RESERVE AT DAPHNE PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2520-B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 33°52'31" EAST, A DISTANCE OF 434.37 FEET; THENCE NORTH 00°11'08" EAST, A DISTANCE OF 449.05 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°11'08" EAST, A DISTANCE OF 429.49 FEET; THENCE RUN NORTH 89°44'38" WEST, A DISTANCE OF 893.25 FEET; THENCE RUN SOUTH 00°14'54" WEST, A DISTANCE OF 430.09 FEET; THENCE RUN SOUTH 89°46'58" EAST, A DISTANCE OF 893.72 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 8.82 ACRES, MORE OR LESS.

GCOF RESERVE AT DAPHNE, LLC
RESERVE AT DAPHNE
R-2 – 69.14 AC.

BEGIN AT THE SOUTHWEST CORNER OF LOT 53, THE RESERVE AT DAPHNE PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2520-B AND C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 33°52'31" EAST, A DISTANCE OF 434.37 FEET; THENCE NORTH 00°11'08" EAST, A DISTANCE OF 449.05 FEET; THENCE RUN NORTH 89°46'58" WEST, A DISTANCE OF 893.72 FEET; THENCE RUN NORTH 00°14'54" EAST, A DISTANCE OF 430.09 FEET; THENCE RUN SOUTH 89°44'38" EAST, A DISTANCE OF 192.97 FEET; THENCE RUN NORTH 28°43'37" WEST, A DISTANCE OF 257.86 FEET; THENCE RUN NORTH 00°13'29" EAST, A DISTANCE OF 2,430.66 FEET; THENCE RUN NORTH 89°48'35" WEST, A DISTANCE OF 496.47 FEET; THENCE RUN SOUTH 00°12'38" WEST, A DISTANCE OF 3,637.75 FEET; THENCE RUN SOUTH 64°28'22" WEST, A DISTANCE OF 120.42 FEET; THENCE RUN SOUTH 31°15'15" WEST, A DISTANCE OF 209.64 FEET; THENCE RUN SOUTH 05°56'31" EAST, A DISTANCE OF 391.39 FEET; THENCE RUN SOUTH 89°52'24" EAST, A DISTANCE OF 732.74 FEET; THENCE RUN SOUTH 56°07'29" EAST, A DISTANCE OF 202.95 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 56°00'53" EAST, A DISTANCE OF 31.77 FEET; THENCE RUN NORTH 33°52'31" EAST, A DISTANCE OF 440.06 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 69.14 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on November 18, 2021, the Commission considered said request and a unanimous vote to set forth a favorable recommendation to the City Council to pre-zone the property R-2 Medium Density Single Family Residential and R-6(G) Patio/Garden Home; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on February 7, 2022; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING

That above described real property is hereby pre-zoned to R-2 Medium Density Single Family Residential and R-6(G) Patio/Garden Home, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Residential Single Family District, Baldwin County District 15, Exterritorial Planning Jurisdiction.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

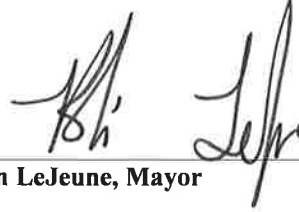
SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS 21st day of February, 2022.



Robin LeJeune, Mayor

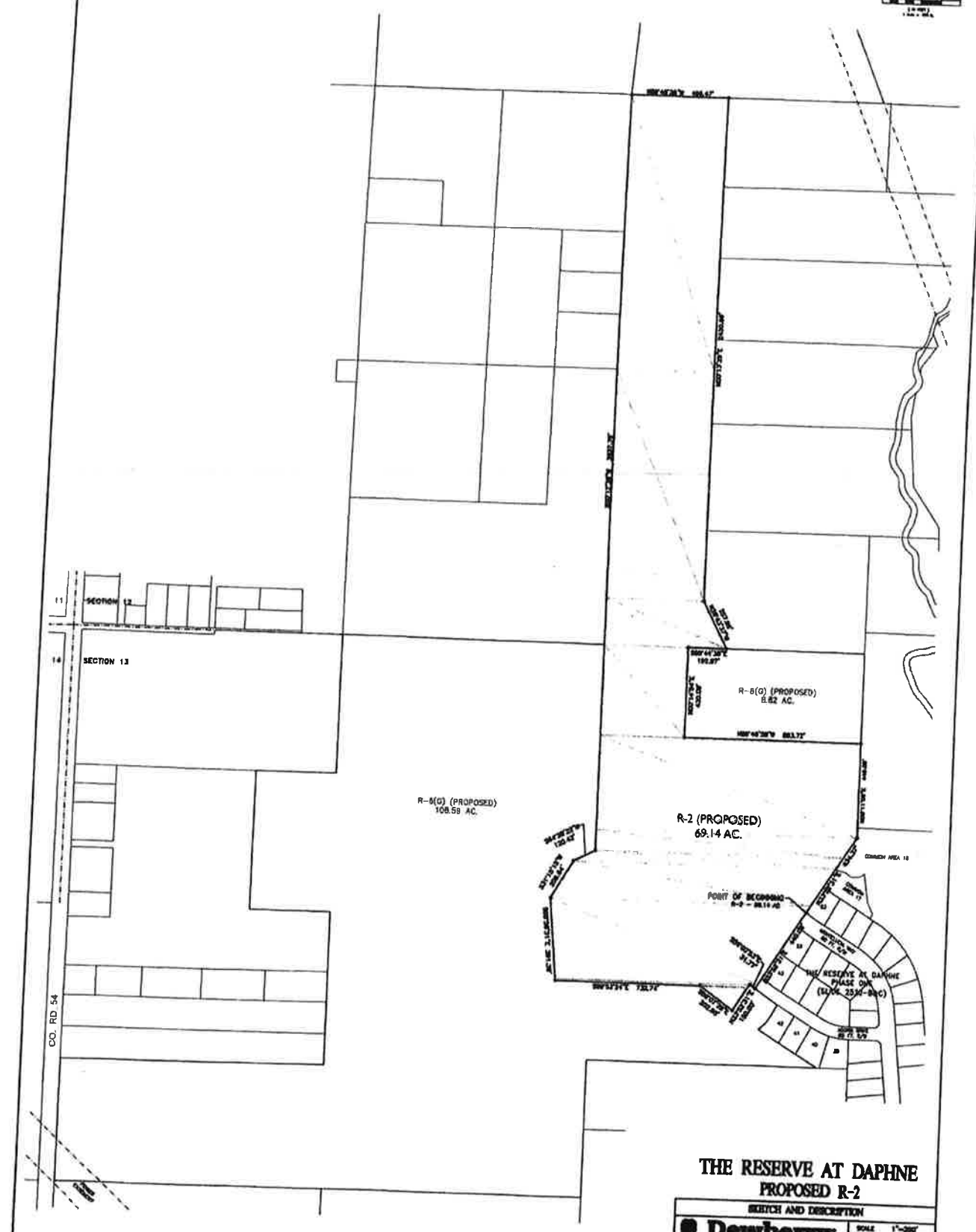
ATTEST:



Candace G. Antinarella, CMC, City Clerk

R-2 - 69.14 AC

None of the boundary lines of any of the herein described tracts are shown to be or have been recorded in the public records of the State of Alabama, and should more particularly be referred to the plat of the survey which is hereto appended, and which is a part of the same. The survey was made in accordance with the provisions of the Act of the Legislature of Alabama, passed March 2, 1887, and approved March 10, 1887, and the Act of the Legislature of Alabama, passed August 1, 1888, and approved August 11, 1888, and the Act of the Legislature of Alabama, passed March 1, 1890, and approved March 11, 1890, and the Act of the Legislature of Alabama, passed March 1, 1892, and approved March 11, 1892, and the Act of the Legislature of Alabama, passed March 1, 1894, and approved March 11, 1894, and the Act of the Legislature of Alabama, passed March 1, 1896, and approved March 11, 1896, and the Act of the Legislature of Alabama, passed March 1, 1898, and approved March 11, 1898, and the Act of the Legislature of Alabama, passed March 1, 1900, and approved March 11, 1900, and the Act of the Legislature of Alabama, passed March 1, 1902, and approved March 11, 1902, and the Act of the Legislature of Alabama, passed March 1, 1904, and approved March 11, 1904, and the Act of the Legislature of Alabama, passed March 1, 1906, and approved March 11, 1906, and the Act of the Legislature of Alabama, passed March 1, 1908, and approved March 11, 1908, and the Act of the Legislature of Alabama, passed March 1, 1910, and approved March 11, 1910, and the Act of the Legislature of Alabama, passed March 1, 1912, and approved March 11, 1912, and the Act of the Legislature of Alabama, passed March 1, 1914, and approved March 11, 1914, and the Act of the Legislature of Alabama, passed March 1, 1916, and approved March 11, 1916, and the Act of the Legislature of Alabama, passed March 1, 1918, and approved March 11, 1918, and the Act of the Legislature of Alabama, passed March 1, 1920, and approved March 11, 1920, and the Act of the Legislature of Alabama, passed March 1, 1922, and approved March 11, 1922, and the Act of the Legislature of Alabama, passed March 1, 1924, and approved March 11, 1924, and the Act of the Legislature of Alabama, passed March 1, 1926, and approved March 11, 1926, and the Act of the Legislature of Alabama, passed March 1, 1928, and approved March 11, 1928, and the Act of the Legislature of Alabama, passed March 1, 1930, and approved March 11, 1930, and the Act of the Legislature of Alabama, passed March 1, 1932, and approved March 11, 1932, and the Act of the Legislature of Alabama, passed March 1, 1934, and approved March 11, 1934, and the Act of the Legislature of Alabama, passed March 1, 1936, and approved March 11, 1936, and the Act of the Legislature of Alabama, passed March 1, 1938, and approved March 11, 1938, and the Act of the Legislature of Alabama, passed March 1, 1940, and approved March 11, 1940, and the Act of the Legislature of Alabama, passed March 1, 1942, and approved March 11, 1942, and the Act of the Legislature of Alabama, passed March 1, 1944, and approved March 11, 1944, and the Act of the Legislature of Alabama, passed March 1, 1946, and approved March 11, 1946, and the Act of the Legislature of Alabama, passed March 1, 1948, and approved March 11, 1948, and the Act of the Legislature of Alabama, passed March 1, 1950, and approved March 11, 1950, and the Act of the Legislature of Alabama, passed March 1, 1952, and approved March 11, 1952, and the Act of the Legislature of Alabama, passed March 1, 1954, and approved March 11, 1954, and the Act of the Legislature of Alabama, passed March 1, 1956, and approved March 11, 1956, and the Act of the Legislature of Alabama, passed March 1, 1958, and approved March 11, 1958, and the Act of the Legislature of Alabama, passed March 1, 1960, and approved March 11, 1960, and the Act of the Legislature of Alabama, passed March 1, 1962, and approved March 11, 1962, and the Act of the Legislature of Alabama, passed March 1, 1964, and approved March 11, 1964, and the Act of the Legislature of Alabama, passed March 1, 1966, and approved March 11, 1966, and the Act of the Legislature of Alabama, passed March 1, 1968, and approved March 11, 1968, and the Act of the Legislature of Alabama, passed March 1, 1970, and approved March 11, 1970, and the Act of the Legislature of Alabama, passed March 1, 1972, and approved March 11, 1972, and the Act of the Legislature of Alabama, passed March 1, 1974, and approved March 11, 1974, and the Act of the Legislature of Alabama, passed March 1, 1976, and approved March 11, 1976, and the Act of the Legislature of Alabama, passed March 1, 1978, and approved March 11, 1978, and the Act of the Legislature of Alabama, passed March 1, 1980, and approved March 11, 1980, and the Act of the Legislature of Alabama, passed March 1, 1982, and approved March 11, 1982, and the Act of the Legislature of Alabama, passed March 1, 1984, and approved March 11, 1984, and the Act of the Legislature of Alabama, passed March 1, 1986, and approved March 11, 1986, and the Act of the Legislature of Alabama, passed March 1, 1988, and approved March 11, 1988, and the Act of the Legislature of Alabama, passed March 1, 1990, and approved March 11, 1990, and the Act of the Legislature of Alabama, passed March 1, 1992, and approved March 11, 1992, and the Act of the Legislature of Alabama, passed March 1, 1994, and approved March 11, 1994, and the Act of the Legislature of Alabama, passed March 1, 1996, and approved March 11, 1996, and the Act of the Legislature of Alabama, passed March 1, 1998, and approved March 11, 1998, and the Act of the Legislature of Alabama, passed March 1, 2000, and approved March 11, 2000, and the Act of the Legislature of Alabama, passed March 1, 2002, and approved March 11, 2002, and the Act of the Legislature of Alabama, passed March 1, 2004, and approved March 11, 2004, and the Act of the Legislature of Alabama, passed March 1, 2006, and approved March 11, 2006, and the Act of the Legislature of Alabama, passed March 1, 2008, and approved March 11, 2008, and the Act of the Legislature of Alabama, passed March 1, 2010, and approved March 11, 2010, and the Act of the Legislature of Alabama, passed March 1, 2012, and approved March 11, 2012, and the Act of the Legislature of Alabama, passed March 1, 2014, and approved March 11, 2014, and the Act of the Legislature of Alabama, passed March 1, 2016, and approved March 11, 2016, and the Act of the Legislature of Alabama, passed March 1, 2018, and approved March 11, 2018, and the Act of the Legislature of Alabama, passed March 1, 2020, and approved March 11, 2020.



THE RESERVE AT DAPHNE
PROPOSED R-2

Dewberry
SEARCH AND DESCRIPTION
SCALE 1"=200'
PROJ. NO. 20140071
FILE 20140071 200808
SHEET 1 OF 1

THIS IS NOT A PROPERTY BOUNDARY SURVEY

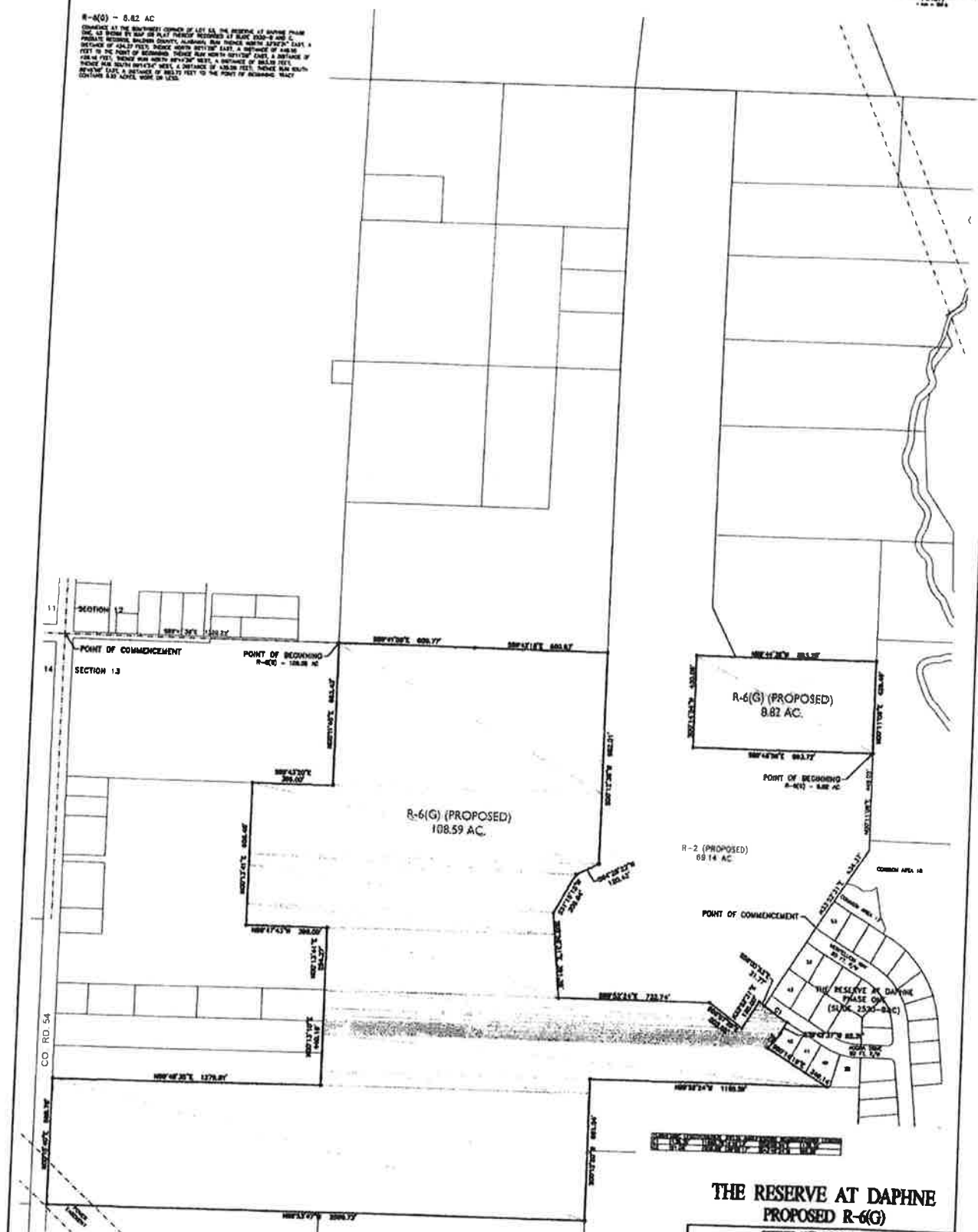
R-6(G) - 108.59 AC

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 2 EAST, EARLY 1870-1880 ORIGINAL AND NOW UNDER SOUTH DEEDS... (Detailed survey description text follows)



R-6(G) - 8.82 AC

COMMENCE AT THE SOUTHWEST CORNER OF LOT 13, THE RESERVE AT DAPHNE PHASE ONE... (Detailed survey description text follows)



**THE RESERVE AT DAPHNE
PROPOSED R-6(G)**

SKETCH AND DESCRIPTION

Dewberry

15553 Friendship Road Daphne, AL 36526
 251-990-9930 Fax 251-919-0875

SCALE 1"=200'
 PROJ. NO. 00140371
 FILE 00140271 200808
 SHEET 1 OF 1

THIS IS NOT A PROPERTY BOUNDARY SURVEY